S.B. Civil Writ Petition No.9880/05
Kanhiya Lal Meena Vs. State & Another.

Date of Order : 21/04/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr.V.K.Joshi, for petitioner.

Instant petition has been filed by the petitioner seeking promotion to the post of Assistant Registrar whereby persons junior to him were promoted by order dated 15.10.2005 (Annexure-3).

Counsel for the petitioner submits that as per seniority list Inspector (Executive/Audit) Grade-II he is senior to persons who were promoted as Assistant Registrar pursuant to order dated 15.10.2005 (Annexure-3), as such, giving promotion to his juniors is violative of Article 14 of the Constitution.

In my opinion, the order by which his juniors were promoted, is appealable order before the Tribunal under the Act of 1976. In view of alternative remedy available to the petitioner, I am not inclined to exercise extra ordinary jurisdiction of this court under Article 226 of the Constitution.

Since the limitation for filing appeal is only sixty days and because of the pendency of this petition, the period of limitation has expired. However, in my opinion, if the appeal is preferred within 30 days, the Tribunal may treat the same within limitation and decide it in accordance with law on merits.

Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB